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EXAMINER

HANNETT, JAMES M

ART UNIT PAPER NUMBER

2612

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/386,848

Applicant(s)

MIYAKE, IZUMI

Examiner

James M Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1: The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Image processing apparatus which prevents a panoramic image or a sequence of consecutive images from being partially lost due to the accidental erasing of an image composing the panoramic image or the sequence of consecutive images.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2: Claims 1, 3-6, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2001/0048465 Toyofuku et al.

3: As for Claim 1, Toyofuku et al depicts in Figures (5 and 20) an image processing apparatus, comprising: A memory (33) which stores a plurality of captured images and additional information concerning the images; Toyofuku et al teaches and depicts in Figure 6 the data format by which the image data is stored to memory and depicts the non-image information that is saved with the image data. An image selector which selects an image to be erased among the plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a

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circular point is flickered and represents the image data selected to be erased. A determination device which reads the additional information concerning the selected image and determines whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the read additional information; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6. Toyofuku et al teaches the use of an eraser which erases the selected image from the memory if the determination device determines that the selected imager does not relate to any of the plurality of images stored in the memory, and prohibits the selected image from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory. Paragraph [0136-0137] Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection.

4: As for Claim 3, Toyofuku et al teaches that the additional information represents whether or not the image concerning the/ additional information is a part of a panoramic image composed of at least two of the plurality of the images stored in the memory; Paragraph [0136] the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6.

5: In regards to Claim 4, Toyofuku et al depicts in Figure 6 the format for the header information attached to the image data. The additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the

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plurality of the images stored in the memory that were consecutively captured. Paragraphs [0105-0106] Toyofuku teaches that when a panoramic image is captured all the images are captured in a sequence until all the desired images for a panoramic image are captured and panoramic numbers related to the order in which the images are captured and stored in the header information. This header information is then used to determine if the image is part of a panoramic image. Since the panoramic image was captured from a sequence of consecutive images, the additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured.

6: As for Claim 5, Toyofuku et al depicts in Figure 5 and teaches in Paragraph [0056] that the image processing apparatus is an electronic camera capturing the images.

7: In regards to Claim 6, Toyofuku et al depicts in Figures (5 and 20) a method for erasing an image from a memory, comprising the steps of: selecting the image to be erased among a plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data-selected to be erased. Reading an additional information concerning the image selected in the selecting step and determining whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the additional information read in the reading step; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6. Erasing the selected image from the memory if it is determined that the selected image does not relate to any of the plurality of images stored in the memory in the

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determining step; and prohibiting the selected image from being erased independently if it is determined that the selected image relates to at least one of the plurality of images stored in the memory in the determining step; Paragraph [0136-0137] Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection.

8: In regards to Claim 8, Toyofuku et al teaches that the additional information represents whether or not the image concerning the/ additional information is a part of a panoramic image composed of at least two of the plurality of the images stored in the memory; Paragraph [0136] the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6.

9: As for Claim 9, Toyofuku et al depicts in Figure 6 the format for the header information attached to the image data. The additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured. Paragraphs [0105-0106] Toyofuku teaches that when a panoramic image is captured all the images are captured in a sequence until all the desired images for a panoramic image are captured and panoramic numbers related to the order in which the images are captured and stored in the header information. This header information is then used to determine if the image is part of a panoramic image. Since the panoramic image was captured from a sequence of consecutive images, the additional information represents whether or not the image concerning the additional information is a part

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of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10:** Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2001/0048465 Toyofuku et al.

**11:** In regards to Claim 2, Toyofuku et al teaches the claimed invention as discussed in Claim 1. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted.

Toyofuku et al does not teach that the decision device decides whether to collectively erase the selected image and the at least one of the plurality of images related to the selected image from the memory; wherein the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made that when a user using the camera of Toyofuku et al selects an image to be erased that the user has one of three intentions. The first is that the image was inadvertently selected and the user will not want to erase the image. The second is that the user will want to erase the image independently even though it is part of a panoramic image, and the third option is that the user wishes to erase the entire panoramic image. Toyofuku et al is designed in such a way that a user using the camera will be warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data. The camera of Toyofuku et al does not ask the user if they wish to erase all the images related to the panoramic image when they select one of the images related to it. However, it is obvious that a user would desire to erase the entire image and would need to erase each image individually, which is time consuming.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to also allow a user the option to erase all of the images related to a panoramic image simultaneously so that the user would not have to independently erase each of the pictures and therefore, save the user time.

12: As for Claim 7, Toyofuku et al teaches the claimed invention as discussed in Claim 6. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs



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[0136 and 0141] Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted.

Toyofuku et al does not teach that the decision device decides whether to collectively erase the selected image and the at least one of the plurality of images related to the selected image from the memory; wherein the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that when a user using the camera of Toyofuku et al selects an image to be erased that the user has one of three intentions. The first is that the image was inadvertently selected and the user will not want to erase the image. The second is that the user will want to erase the image independently even though it is part of a panoramic image, and the third option is that the user wishes to erase the entire panoramic image. Toyofuku et al is designed in such a way that a user using the camera will be warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data. The camera of Toyofuku et al does not ask the user if they wish to erase all the images related to the panoramic image when they select one of the images related to it. However, it is obvious that a user would desire to erase the entire image and would need to erase each image individually, which is time consuming.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to also allow a user the option to erase all of the images related to a panoramic image simultaneously so that the user would not have to independently erase each of the pictures and therefore, save the user time.

### *Conclusion*

13: The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,334,025 Yamagami teaches an apparatus for processing image data and storing mutually linked files to each other; USPN 6,377,294 Toyofuku et al teaches a camera that can store panoramic images and warns a user if they try to delete an image that is part of a panoramic image; USPN 6,249,316 Anderson teaches a method for grouping image files on a camera; USPN 6,292,273 Dow et al teaches a method used in a image capture device used to delete saved image data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-842-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is 703-308-6789.


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James Hannett  
Examiner  
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JMH  
April 10, 2003

  
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